Mysore Irrigation Bill, 1963.

Introduction.

Sri VEERENDRA PATIL (Minister for Public Works).—I beg to introduce the Mysore Irrigation Bill, 1963.

Mr. SPEAKER.—The Mysore Irrigation Bill, 1963, is introduced.

MYSORE SMALL CAUSE COURTS BILL, 1962.

(as reported by the Joint Select Committee.)

(Consideration of Clauses—continued.)

Mr. SPEAKER.—Now the Minister for Law will reply.

†Sri M. V. RAMA RAO (Minister for Law).—Sir, yesterday, I was replying to the debate which took place on clause 10 of this Bill. I was saying that the provisions contained in clause 10 of this Bill were nothing new and that they contained nothing new to those who are familiar with the phraseology and the scheme contained in section 17 of the Provincial Small Cause Courts Act. I read yesterday from the text of the section 17 of that Act and also referred to the interpretation which has been placed by different High Courts upon the language used there which is the same language employed here. I wish to bring it to the notice of the House that identical language is used in the Kerala Act and similar Acts in the other parts of the Indian Union. Now, the whole point is that the phrase 'previous application' seems to have created certain doubts and difficulties in the minds of some Hon'ble Members. The point is that a Court of Small Cause proceeds to try cases summarily; issues are not framed, the entire evidence is not recorded; only a memorandum of the evidence is made and no elaborate argument and reasoning is resorted to and so on. For a court which is to deal summarily with hundreds and hundreds of cases every day, if an application to set aside a decree passed *ex parte* or to review a judgment already made is to be made in accordance with the Civil Procedure Code, contained in order IX or other Chapters which deal with the review of application, then, the same elaborate proceedings have to be followed, which means re-opening of the intention of an aggrieved party or the supposed aggrieved party or requiring the court to embark upon the procedure which is prescribed for the trial of original cases and it is to obviate this and to provide only for *bona fide* cases where an *ex parte* decree was passed on grounds other than that summons in the suit was not duly served or for a review of judgment on grounds other than a mistake or error apparent on the face of the record, that this is inserted here. It is only in the other cases that the amount of decree should be deposited in the Court or security should be furnished as directed by the Court. It is in those cases that this clause will apply. The procedure

which is followed under this clause has been so very clearly laid down by successive judicial pronouncements. The pith and substance of the ground is that an application has to be made by the person who seeks to set aside the decree on the grounds specified in that clause and, in that case, for furnishing the security he must obtain the order from the Court and so on; an application for obtaining the directions of the Court is not required to be in writing and so it may also be made orally. So, there is no harassment, no extraordinary hardship caused to the defendant. This procedure, is already in vogue, has been in vogue for decades and decades and has neither caused any difficulty to any litigant nor to the lawyer. Therefore, I suggest that this amendment be withdrawn and the clause may stand as it is.

Mr. SPEAKER.—The Hon'ble Minister forgets that the member who moved the amendment is not here. *(Laughter.)*

The question is:

'That in clause 10, in sub-clause (1) lines 2 and 3, the words "or by this Act" shall be deleted.'

"That the proviso to sub-clause (1) shall be deleted."

"That sub-clause (2) shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Mr. SPEAKER.—The question is:

"That clauses 11 and 12 stand part of the Bill."

The motion was adopted.

Clauses 11 and 12 were added to the Bill.

Mr. SPEAKER.—Clause 13. There is an amendment; the Hon'ble Member is not present and his amendment is not moved. The question is:

"That clauses 13 to 17, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 13 to 17, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 18. There is an amendment. The Hon'ble Member is not present and therefore his amendment is not moved. The question is :

"That clauses 18 to 29, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 18 to 29, both inclusive, were added to the Bill.

Mr. SPEAKER.—Schedule II. The question is :

"That Schedule II stand part of the Bill."

The motion was adopted.

Schedule II was added to the Bill.

Mr. SPEAKER.—Clause 1, the Title and the Preamble. The question is :

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. V. RAMA RAO.—I beg to move :

"That the Mysore Small Cause Courts Bill, 1962, as reported by the Joint Select Committee, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Small Cause Courts Bill, 1962, as reported by the Joint Select Committee, be passed."

The motion was adopted.

MYSORE CATTLE LICENSING BILL, 1963

Motion to consider.

Sri K. PUTTASWAMY (Minister for Municipal Administration).—I beg to move :

"That the Mysore Cattle Licensing Bill, 1963, be taken into consideration."